UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,483	02/05/2004	Robert S. Cooper	114.0006	4979

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PRIEST & GOLDSTEIN PLLC
5015 SOUTHPARK DRIVE
SUITE 230
DURHAM, NC 27713-7736

EXAMINER
KOVACEK, DAVID M

ART UNIT	PAPER NUMBER
2609	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/772,483	COOPER ET AL.
Office Action Summary	Examiner	Art Unit	
	David Kovacek	2609	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 February 2004</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-16</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-16</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>30 August 2004</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Drawings

1.   The drawings are objected to because **system 100** is referred to in the

specification but not explicitly shown in Fig. 1. Corrected drawing sheets in compliance

with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of

the application. Any amended replacement drawing sheet should include all of the

figures appearing on the immediate prior version of the sheet, even if only one figure is

being amended. The figure or figure number of an amended drawing should not be

labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must

be removed from the replacement sheet, and where necessary, the remaining figures

must be renumbered and appropriate changes made to the brief description of the

several views of the drawings for consistency. Additional replacement sheets may be

necessary to show the renumbering of the remaining figures. Each drawing sheet

submitted after the filing date of an application must be labeled in the top margin as

either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the

changes are not accepted by the examiner, the applicant will be notified and informed of

any required corrective action in the next Office action. The objection to the drawings

will not be held in abeyance.

Specification

2.   The attempt to incorporate subject matter into this application by reference to

"Methods and Apparatus for Context and Experience Sensitive Prompting in Voice

Applications," assigned to a common assignee with the present invention is ineffective

because the proper US Patent Serial No. is not disclosed, and the appropriate location

of disclosure within the specification instead shows a blank space. The proper US

Patent Serial No. of this document should be fully disclosed in the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   **Claims 1-7** and **10-13** are rejected under 35 U.S.C. 102(e) as being anticipated

by US Patent 6,560,576 hereinafter referred to as Cohen.

Regarding **claim 1**, Cohen discloses a voice recognition system comprising:

*   a plurality of modules for receiving voice inputs and performing services

based on user response (Fig. 1, item 2; Fig. 2; Col. 4, lines 8-10; Col. 4, lines 13-15;

Col. 4, lines 31-33);

*   a help application for selecting a help prompt for presentation to a user

upon receipt of erroneous input (Fig. 4; Fig. 5; Col. 3, lines 26-31; Col. 3, lines 60-67;

Col. 6, lines 49-58); and

- said help application being operative to identify an experience level of user

(Col. 5, lines 48-55) and select a help prompt appropriate to the user's experience level

(Col. 3, lines 28-31).

It is noted by the examiner that a common use of a "thrown event" is in the

instance of erroneous input causing an exception within the input application.

Regarding **claim 2**, Cohen discloses all limitations of **claim 1** as above, and

additionally discloses modules that employed upon receipt of erroneous input and a

help prompt is selected based on information stored regarding the user (Col. 5, lines 63-

66; Col. 6, lines 3-5; Col. 6, lines 10-12; Col. 6, lines 33-35).

Regarding **claim 3**, Cohen discloses all limitations of **claim 2** as above, and

additionally discloses that said stored user information includes information about the

user's proficiency using the system (Col. 5, lines 48-54; Col. 6, lines 39-45; Col. 8, lines

12-15).

It is noted by the examiner that any stored user information that allows a

distinction between "novice" and "expert" as is taught in Cohen inherently requires that

said information includes some data regarding the proficiency of said user.

It is additionally noted by the examiner that "dialog state", as determined in

Cohen, is understood to be an exchange of data between the user and an active

module. This will be the definition of "dialog state" applied throughout the remainder of

this document.

Regarding **claim 4**, Cohen discloses all limitations of **claim 3** as applied above,

and additionally teaches that said stored user information includes information

indicating the user's proficiency with each function available to the user (Col. 8, lines 12-

15).

It is noted by the examiner that Cohen's disclosure of a "usage history that tracks

the dialog states of the user" (Col. 8, lines 12-13) would be understood by one of

ordinary skill in the art to include data regarding all functions used. Therefore if it is

possible to extrapolate a user's proficiency with the overall system using stored data

regarding usage of system as applied in **claim 2**, it is inherent that using more detailed

information would make it possible to extrapolate a user's proficiency with each

function, as applied here to **claim 4**.

Regarding **claim 5**, Cohen discloses all limitations of **claim 4** as applied above,

and additionally discloses a function usage tally of successful uses for each function

(Abstract; Col. 3, lines 45-47; Col. 6, lines 39-44; Col. 8, lines 12-15).

It is noted by the examiner that, similarly to the application of Cohen for **claim 4**

above, that one of ordinary skill in the art would understand that a "usage history" would

inherently contain data regarding successes and/or failures of dialog states for each

function.

Regarding **claim 6**, Cohen discloses all limitations of **claim 5** as applied above, and additionally discloses the use of said function usage tally in order to determine the user experience category for each user with respect to a function (Col. 5, lines 48-54; Col. 5, lines 63-66; Col. 6, lines 3-5; Col. 6, lines 10-12; Col. 6, lines 33-35).

It is noted by the examiner that the selection of a help prompt based upon the distinction of "novice" or "expert" user experience for a function is explicitly stated in Cohen to depend upon the number of times the user has used said function previously (Col. 5, lines 48-54).

Regarding **claim 7**, Cohen discloses all limitations of **claim 6** as applied above, and additionally discloses the help application determines the user experience category by selecting an experience category associated with the user's function usage tally for a function (Col. 5, lines 48-54).

Regarding **claim 10**, Cohen teaches a method of help prompt selection comprising:

- identifying a function employed when erroneous input was received (Col. 6, lines 45-68; Fig. 3);

- identifying a user experience level for the function (Col. 5, lines 48-55); and

- selecting a help prompt appropriate for the user experience level for said function (Col. 3, lines 28-31).

It is noted by the examiner that this claim has content very similar to that of

claims 3-7. Much of the same reasoning applied to **claims 3-7**, is applicable for **claim**

10.

Regarding **claim 11**, Cohen teaches all limitations as applied above to **claim 10**,

and additionally discloses assigning the user to a particular experience category and

help prompt selection includes selecting a prompt associated with the experience

category to which the user belongs (Col. 3, lines 28-31; Col.5, lines 48-54).

It is noted by the examiner that in order to select a help prompt according a user

experience category based upon stored user information, as disclosed in Cohen, it is

inherent that an assignment of user experience be made in a fashion applicable to

claim 11.

Regarding **claim 12**, Cohen teaches all limitations as applied above to **claim 11**,

and additionally discloses the step of identifying the user's particular experience

category by examining user information (Col. 3, lines 28-31).

It is noted by the examiner that this is an inherent feature of the disclosure of

Cohen for the same reasons discussed with regard to **claim 11** above.

Regarding **claim 13**, Cohen teaches all limitations as applied above to **claim 11**.

The remaining limitations are very similar to the limitations in **claims 6-7** and **12**, and

claim 13 is rejected for the same reasons.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   **Claims 8-9** and **14-16** are rejected under 35 U.S.C. 103(a) as being

unpatentable over US Patent Application 2004/0006480 hereinafter referred to as

Ehlen, in further view of Cohen.

Regarding **claim 8**, Ehlen does not adequately disclose all limitations of **claim 7**,

but does teach a speech recognition system with a help application that tracks

consecutive input errors and selects appropriate help prompt in the case of consecutive

input errors (Page 3, paragraph 0032).

Cohen teaches all limitations of **claim 7** as applied above.

The two references are combinable because both applications relate to an

apparatus and method for providing automatic help to a user of a voice-recognition

system.

Ehlen teaches a multi-modal dialog system that includes voice recognition and

other methods of user interaction. Motivation to combine is inherent because the

teachings of Cohen provide more detail regarding the implementation of a voice recognition system that can be incorporated into the multi-modal dialog system as taught by Ehlen.

Therefore, the examiner contends it would have been obvious to one of ordinary skill in the art at the time the invention was made to use to the teachings of Cohen to implement the teachings of Ehlen.

Regarding **claim 9**, Ehlen further discloses the update of a user's function usage tally upon each successful use of a given function (Page 3, paragraphs 0034-0035). This is additionally further implied by Cohen (Col. 8, lines 12-15).

Regarding **claim 14**, Ehlen additionally discloses the detection of consecutive input errors (Page 3, paragraph 0032) and selecting a help prompt based upon a number of consecutive input errors and the user's level of experience (Page 3, paragraph 0033).

Regarding **claim 15**, Ehlen additionally teaches the selection of a prompt being increasingly dependent upon consecutive input errors as the number of consecutive input errors increases (Page 3, paragraphs 0031-0033).

It is noted by the examiner that one of ordinary skill in the art would understand an increasing number of consecutive input errors by the user to be the same as the "user [demonstrating] that he requires assistance" as disclosed by Ehlen.

Regarding **claim 16**, a step of updating the user's function usage tally is taught

both by Ehlen (Page 3, paragraphs 0034-0035) and additionally implied by Cohen (Col.

8, lines 12-15).

It is noted by the examiner that Ehlen's disclosure includes reference to a

"common information state" and Cohen's disclosure includes reference to a "dialog state

history." Both of these terms as disclosed would be interpreted by one of ordinary skill

in the art to include data regarding the number of successful uses of a given function by

a user.

Double Patenting

5.   **Claims 1, 10-11**, and **13** are provisionally rejected on the ground of nonstatutory

obviousness-type double patenting as being unpatentable over **claims 1** and **11-14** of

copending Application No. 2005/0177374. Although the conflicting claims are not

identical, they are not patentably distinct from each other because **claims 1, 10-11** and

13 of the current application encompass or are encompassed by one or more of **claims

1** and **11-14** of copending Application No. 2005/0177374. An example of the

comparison between the claim language of the two applications is shown below for

claim 1:

Language in Current Application	Language in 2005/017734	Comparison
1. A voice recognition system comprising: a plurality of modules for receiving voice inputs from a user and performing services based on the user response to the voice inputs;	1. A voice recognition system comprising: a plurality of modules for receiving voice inputs from a user and performing services for the user response to the voice inputs;	These parts of each claim are identical.
and a help application for selecting a help prompt for presentation to a user upon receipt of an unrecognized or erroneous input,	and a prompt selection module for selecting a prompt for presentation to a user,	Here, a "help application for selecting a help prompt" could be considered a subset of a "prompt selection module."
the help application being operative to identify an experience level of a user and select a help prompt appropriate to the user's experience level.	the prompt selection module being operative to identify an experience level of a user and select a prompt appropriate to the user's experience level.	Considering the possible synonymous meaning as noted above, the only difference between the language here is the specification of a "help prompt" in the current application as opposed to a "prompt" in the other application.

This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

• Hon et al. (US Patent 5,852,801) teaches a method for reducing recognition errors in a speech recognition system.

• Porter et al. (US Patent 6,154,527) teaches an interactive voice response system.

- Norton et al. (US Patent 6,510,411) teaches a voice dialog management system.

- Suhm et al. (US Patent 6,823,054) teaches an apparatus and method for analyzing an automated response system.

- Pickering (US Patent 6,944,592) teaches a voice response system that generates prompts based upon user voice input.

- Caspari (US Patent Application 2002/0169618) teaches method of generating help prompts in a speech dialog system.

- Gilmore et al. (US Patent Application 2003/0216923) teaches the generation of dynamic content in a voice message system.

- Tang (US Patent Application 2004/0001575) teaches a voice controlled scheduling system.

- Scahill et al. (US Patent Application 2004/0117804) teaches a multi-modal system which allows interaction between applications.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Kovacek whose telephone number is (571) 270-3135. The examiner can normally be reached on M-F 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Eisen can be reached on (571) 272-7687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alexander Eisen
SPE
Art Unit 2609

DMK 06/28/2007